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Mr. Mike McGee
221 Rivo Alto Canal
Long Beach, CA 90803

WATER QUALITY CERTIFICATION FOR PROPOSED MCGEE BOAT DOCK PROJECT (Corps' Project No. 2004-00061-KW), ALAMITOS BAY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 04-161)

Dear Mr. McGee:

Regional Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 29, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original Signed by]
Jonathan Bishop
Executive Officer

November 8, 2004
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information

File No. **04-161**

1. Applicant: Mike McGee
221 Rivo Alto Canal
Long Beach, CA 90803

Phone: (714) 227-0682
2. Applicant's Agent: Peter Swift
Swift Slip
2027 Placentia Ave.
Costa Mesa, CA 92627

Phone: (949) 631-3121 Fax: (949) 631-3122
3. Project Name: McGee Boat Dock
4. Project Location: Alamitos Bay, Los Angeles County

Longitude: 118° 07' 23"; Latitude: 33° 45' 09"
5. Type of Project: Boat Dock Replacement
6. Project Description: *Purpose:*
The purpose of this project is to replace the existing boat dock and allow for mooring of boats.

Description:
The project will consist of removing and replacing the existing boat dock. The headwalk will be approximately 12' x 65'. The finger will be 4' x 96'. The gangway will be 3' x 20'. The project will consist of relocating two 14" concrete guide piles.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
Provisional Letter of Permission (Permit No. 2004-00061-KW)

ATTACHMENT A

Project Information File No. 04-161

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| 8. Other Required Regulatory Approvals: | California Coastal Commission Coastal Development Permit |
| 9. California Environmental Quality Act Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). |
| 10. Receiving Water: | Alamitos Bay (Hydrologic Unit No. 405.12) |
| 11. Designated Beneficial Uses: | IND, NAV REC-1, REC-2, COMM, AQUA, EST, MAR, WILD, RARE, SHELL, WET |
| 12. Impacted Waters of the United States: | Bay: 0.03 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Piles will be driven into the subsurface with a drop hammer;• Installation of silt screens will take place in order to confine the work area and minimize turbidity; and• Pre-construction surveys shall be performed for <i>Caulerpa taxifolia</i> (“<i>Caulerpa</i>”) within the project area in accordance with the <i>Caulerpa</i> Control Protocol. |

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16. Required
Compensatory
Mitigation:

In coordination with NOAA Fisheries, the Applicant will implement a pre- and post-construction survey for surfgrass, eelgrass and rocky habitat. Surfgrass, eelgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1.

The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after mitigation efforts begin.

It is not anticipated that the project activity will have a negative impact on waters of the United States. During the construction, all possible BMPs will be utilized in order to minimize impacts to waters. The impacts associated with this project are minimal and temporary in nature. Therefore, compensatory mitigation will not be required by the Regional Board to offset the impacts associated with this project.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification **File No. 04-161**

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.